

Supreme Court No. 81672-7
Court of Appeals No. 60054-1-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SKAGIT COUNTY, DEPUTY DEANNA RANDALL;

Petitioners

v.

JOHN T. LALLAS and
IRENE LALLAS, husband and wife

Respondents.

PETITIONERS' REPLY TO BRIEF OF AMICUS CURIAE
WASHINGTON STATE ASSOCIATION FOR JUSTICE FOUNDATION

By: PAUL H. REILLY, Civil Litigator
WSBA #10709
SKAGIT COUNTY PROSECUTING ATTORNEY
Courthouse Annex, 605 S. Third
Mount Vernon, WA 98273
Telephone (360) 336-9460, Fax (360) 336-9497

Attorney for Petitioners Skagit County
and Deanna Randall

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I. ISSUE PRESENTED AND ARGUMENT

Petitioners Skagit County and Randall will take the opportunity presented by the Amicus brief of Washington State Association for Justice Foundation (WSAJ) to dispel one myth concerning this case. At page 2 of the WSAJ brief it is pointed out that "Lallas contends Randall's failure to handcuff Reijm violated the Skagit County Sheriff's Office's written policy and procedure manual governing 'Transportation of Inmates'".

It is the Petitioners' contention that the most accurate part of that statement is that Lallas continues to contend that its content is true.

It is not true.

The document in question is the Skagit County Jail Policies and Procedures Manual. This was clearly set out in the briefing at the trial court at summary judgment. (CP 66-67)

It has been very important to Lallas that Randall become attached to the section of the manual cited. The section is quite short and may be found at CP 45-48.

The title is "Transportation of Inmates", and it very clearly states that it is for the purpose of securing "inmates" for

"transportation" in "official vehicles" from the jail to court and return to jail. It is plainly directed to corrections deputies working in the jail.

Randall, though nominally a corrections deputy, had been transferred to extended duty as a court security officer and placed at the direction of the judges of the Skagit County District and Superior Courts. Further, the person District Court Judge Skelton directed Randall to escort to the jail to be jailed there by those whose job it was to do that, was not an "inmate". Rather, he had appeared in Judge Skelton's court in response to a summons. (Declaration of Judge Skelton at CP 129-31)

Moreover, no "official vehicle" was used to escort Mr. Reijm the few feet out of the courtroom that was necessary. Therefore, he was obviously not "transported".

It is very important that the Respondent Lallas be able to depend upon the requirements of the "Transportation of Inmates" section of the Skagit County Jail policies and Procedures Manual in order to show that Randall was performing a "ministerial" task instead of a "discretionary" task.

Once it is established that "Transportation of Inmates" is entirely irrelevant, it is shown for what it is: a red herring intended to persuade this Court that Randall cannot pass the critical test of having used "discretion and judgment" in performance of a task which she was ordered by Judge Skelton to undertake.

Once having disposed of that matter, it should be pointed out that the WSAJ seeks to widen the inquiry by citing legal authority that concerns common tort case law, which is entirely irrelevant to this inquiry. This approach is wrong headed. Here we are dealing with an aspect of foundational bedrock of the judicial system, and not issues of regulatory liability and discretionary immunity that arose in the aftermath of the legislature's waiver of sovereign immunity.

What WSAJ accomplishes by citation to such authorities is to generously illustrate the quality and extent of the conflation of the historic judicial immunity reserved for judges and those who act as his "arms" by helping him to carry out his duties, with the more attenuated types of immunity that is characterized by such terms as "quasi-judicial immunity"

and "qualified immunity", both of which have served to create some degree of confusion in the case law.

II. CONCLUSION

The Court should make the necessary distinctions based upon the sound principles and purposes of judicial immunity and rule so as to clarify and give guidance in distinguishing one from the others.

DATED this 9th day of October, 2009.

Respectfully submitted by:



PAUL H. REILLY, Civil Litigator; WSBA #10709
SKAGIT COUNTY
PROSECUTING ATTORNEY'S OFFICE
Attorney for Petitioners SKAGIT COUNTY and
RANDALL

DECLARATION OF SERVICE

I, Judy Kiesser, hereby certify that on October 9, 2009, I caused the original of the foregoing "Petitioners' Reply to Brief of Amicus Curiae Washington State Association for Justice Foundation" to be transmitted via electronic mail to the Washington State Supreme Court (Supreme@courts.wa.gov); that the signed original has been retained by counsel, and that I caused to be served a true and correct copy of the document to which this is attached upon the individuals listed herein by U.S. Mail:


Harry Platis
Denis C. Wade
Platis Law Firm
20016 Cedar Valley Rd, Ste 103
Lynnwood, WA 98036-63321

Bryan P. Harnetiaux
WSAJ Foundation
517 E. 17th Avenue
Spokane, WA 99203

Hillary J. Evans, DPA
Snohomish County Prosecutor's Office
3000 Rockefeller Ave; MS 504
Everett, WA 98201

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signed at Mount Vernon, Washington this 9th day of October.



Judy L. Kiesser
Legal Assistant to Paul H. Reilly

OFFICE RECEPTIONIST, CLERK

To: JudyKiesser
Cc: hplatis@platislaw.com; amicuswsajf@winstoncashatt.com; hevans@co.snohomish.wa.us
Subject: RE: Skagit County, et al. v. Lallas "Petitioners' Reply to Brief of Amicus Curiae WSAJ"

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From: JudyKiesser [mailto:judyk@co.skagit.wa.us]
Sent: Friday, October 09, 2009 4:49 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: hplatis@platislaw.com; amicuswsajf@winstoncashatt.com; hevans@co.snohomish.wa.us
Subject: Skagit County, et al. v. Lallas "Petitioners' Reply to Brief of Amicus Curiae WSAJ"

Skagit County & Deputy Deanna Randall v. John T. Lallas and Irene Lallas, Respondents

Supreme Court #81672-7
Court of Appeals #60054-1-I

Attached is "Petitioners' Reply to Brief of Amicus Curiae Washington State Association for Justice Foundation".

Filed on behalf of:

Skagit County Prosecuting Attorney's Office
by Paul H. Reilly, Civil Litigator
WSBA #10709
(360)336-9460
paulr@co.skagit.wa.us

Signed original retained by counsel.

Copies have been mailed via U.S. mail to:

Harry Platis
Denis C. Wade
Platis Law Firm
20016 Cedar Valley Rd, Ste 103
Lynnwood, WA 98036-63321

Bryan P. Harnetiaux
WSAJ Foundation
517 E. 17th Avenue
Spokane, WA 99203

Hillary J. Evans, DPA
Snohomish County Prosecutor's Office
3000 Rockefeller Ave; MS 504
Everett, WA 98201

Judy Kiesser, Legal Assistant II
Skagit County Prosecuting Attorney
☎ Phone: (360) 336-9460 ext. 3369
☎ Fax: (360) 336-9497
judyk@co.skagit.wa.us